

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MONTANA

In Re: Robert & Andrea Fullerton

Robert Legal Services Coordinator

Debtor.

Case No. 10-61800

PETITION FOR WITHDRAWAL OF  
UNCLAIMED FUNDS

I, the undersigned petitioner, under penalty of perjury under the laws of the United States of America, declare (or certify, verify or state) that the following statements and information are true and correct:

1. I am petitioning to receive the total amount of \$8,255.79 which is the sum of all monies deposited with the Court by the case trustee on the following date(s) on behalf of the creditor American General Financial Services, whose Tax Identification Number is [REDACTED]
2. [Please check and complete the applicable subparagraph below]:

☐ A. I am the creditor named in paragraph 1.

☐ B. I am an employee of the creditor named in paragraph 1. My title is \_\_\_\_\_. The creditor is still legally entitled to monies and I *Am authorized by the creditor to file this petition.*

☒ C. I am the lawful attorney-in-fact for the creditor named in paragraph 1 and I am duly authorized by the attached power of attorney to file this petition. I am aware of all pertinent state law requirements regarding such powers of attorney. The following is the creditor's address and phone number, and a brief history of the creditor (from filing of the claim to present), which includes, if applicable, identification of any sale of the company and the new prior owner:

Resurgent Capital Services LP  
Latoya McDowell Legal Services Coordinator  
55 Beattie Place, Ste-110  
Greenville, SC 29601  
864-248-8372

Please see attached Addendum for Case History.

The United States Attorney for the District of Montana has been served a complete copy of this Petition for Withdrawal of Unclaimed Funds on 6/3/2014.

*I understand that, pursuant to 18 U.S.C. section 152, I may be fined not more than \$5,000, or imprisoned not more than five years, or both, if I have knowingly and fraudulently made any false statements in this document.*

Date: 6/3/2014

Petitioner's Signature:



Brian J. Dilks, Managing Member  
Attorney-in-fact for Resurgent Capital Services LP  
35308 SE Center St  
Snoqualmie, WA 98065-9216  
(425) 836-5728

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MONTANA

In Re:

Robert Legal Services Coordinator

Debtor.

Case No. 10-61800

PETITION FOR WITHDRAWAL OF  
UNCLAIMED FUNDS

ADDENDUM

Case History:

On February 18 2011, American General Financial Services changed its name to Springleaf Financial Services of Indiana, Inc; a true and correct copy of the name change certificate of fact has been attached hereto as Exhibit A.

On June 7, 2013, Springleaf Financial Services of Indiana, Inc sold account # 54723014 and 2552510 to Sherman Originator III labeled Portfolio ID #20126 a true and correct copy of the bill of sale and assignment of accounts has been attached hereto as Exhibit B.

Sherman Originator III transferred portfolio 20126 to its affiliate PYOD LLC; a true and exact copy of the Transfer and Assignment has been attached hereto as Exhibit C.

PYOD LLC is the current owner of these funds. In addition PYOD LLC still holds a balance of \$95,280.25 on account number 54723014 and 2552510; a true and exact copy of Resurgent Capital Services LP's account detail has been attached hereto as Exhibit D.

Latoya McDowell, Legal Services Coordinator of Resurgent Capital Services LP has reviewed the business records for Resurgent Capital Services LP and has sworn on the penalty of perjury that PYOD LLC is the current owner of these funds; a true and exact copy of an Affidavit of Indebtedness has been attached hereto as Exhibit E.

Resurgent Capital Services LP, and PYOD, LLC are affiliated companies. Resurgent Capital Services LP is the servicer for the accounts owned by PYOD, LLC. As such PYOD, LLC has authorized Resurgent Capital Services LP to act on its behalf, a true and exact copy of a Limited Power of Attorney has been attached hereto as Exhibit F.

The Bill of Sale herein included is for the purchase of Portfolio ID #20126 which includes this specific debt. The list of purchased accounts is in electronic form and downloaded into Resurgent Capital Services LP's internal records.

The correct Bill of Sale has been included and the internal records of Resurgent Capital Services LP shows that this specific debt was included in the purchase of Portfolio ID #20126.

We have provided notice to American General Financial Services at the address the original check was sent to at 1500 N 19th Avenue K, Bozeman, MT 59715, additionally we have noticed American General Financial Services or its successor at the following addresses. In doing so we are demonstrating that if American General Financial Services, or its successor, still had a claim to these funds they have been provided with an opportunity to object to our application.

Springleaf Financial Services f/a/a American General Financial Services  
Corporate Headquarters  
601 NW 2nd St  
Evansville, IN 47708-1013.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MONTANA**

RE: Robert Fullerton

Case: 10-61800

Debtor(s)

**AUTHORITY TO ACT  
Limited Power of Attorney  
Limited to one Transaction**

**USED ONLY TO COLLECT FUNDS FROM THE ABOVE REFERENCED CASE**

1. **Resurgent Capital Services LP** with a tax identification number of **76-0609845**, ("CLIENT"), appoints **Dilks & Knopik, LLC** ("D&K"), as its lawful attorney in fact for the limited purpose of recovering, receiving and obtaining information pertaining to the outstanding tender of funds in the amount of **\$8,255.79** (the "FUNDS"), including the right to collect on CLIENT's behalf any such funds that are held by a governmental agency or authority.
2. CLIENT grants to D&K the authority to do all things legally permissible and reasonably necessary to recover or obtain the FUNDS held by the governmental agency or authority. This limited authority includes the right to receive all communications from the governmental agency or authority and to deposit checks payable to CLIENT for distribution of the FUNDS to CLIENT, less the fee payable to D&K pursuant to and in accordance with its agreement with CLIENT.
3. D&K may not make any expenditure or incur any costs or fees on behalf of CLIENT without CLIENT's prior written consent.
4. This Authority to Act shall become effective on the below signed date and shall expire upon collection of the aforementioned FUNDS. I authorize the use of a photocopy of this Limited Power of Attorney in lieu of the original.

*Latoya McDowell*  
\_\_\_\_\_  
Latoya McDowell - Legal Services Coordinator

*5/27*, 2014  
\_\_\_\_\_  
Date

**RESURGENT**  
**Capital Services**

*Latoya McDowell*  
Data Specialist

55 Beattie Place  
Suite 400  
Greenville, SC 29601

Mailing Address:  
55 Beattie Place  
Ste. 110, MS - 127  
Greenville, SC 29601

Phone: 864-248-8305  
Fax: 866-468-2055

lmcowell@resurgent.com

Affix Corporate Seal Below

www.resurgent.com

A Member of the Sherman Financial Group

**LEDGMENT**

STATE OF \_\_\_\_\_,

COUNTY OF Greenville

On this 27 day of May, 2014, before me, the undersigned Notary Public in and for the said County and State, personally appeared (name) Latoya McDowell known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that (circle one) he/she did so freely and voluntarily and for the uses and purposes therein mentioned.

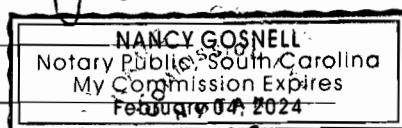
WITNESS my hand and official seal.

NOTARY PUBLIC

*Nancy Gosnell*  
\_\_\_\_\_  
NANCY GOSNELL

Residing at \_\_\_\_\_

My Commission expires \_\_\_\_\_



PUBLIC  
SOUTH CAROLINA  
02-04-2024

STATE OF INDIANA  
OFFICE OF THE SECRETARY OF STATE  
CERTIFICATE OF FACT

To Whom These Presents Come, Greeting:

I, CHARLES P. WHITE, Secretary of State of Indiana, do hereby certify that I am, by virtue of the laws of the state of Indiana, the custodian of corporate records and the proper official to execute this certificate.

I further certify that records of this office disclose that

**SPRINGLEAF FINANCIAL SERVICES OF INDIANA, INC.**

filed Articles of Amendment on February 18, 2011 with the effective date of March 7, 2011 changing their name from American General Financial Services, Inc. to Springleaf Financial Services of Indiana, Inc. This entity is currently considered active and in good standing with our office at this time.



In Witness Whereof, I have hereunto set my hand and affixed the seal of the state of Indiana, at the City of Indianapolis, this Tuesday, March 08, 2011

*Charles P. White*

CHARLES P. WHITE, Secretary of State

194108-098 / 2011030877865

EXHIBIT A  
BILL OF SALE AND ASSIGNMENT OF ACCOUNTS

Springleaf Financial Services of Indiana, Inc., an Indiana corporation, Springleaf Financial Services of Wisconsin, Inc., a Wisconsin corporation and Springleaf Financial Services, Inc., a Delaware corporation (collectively referred to as "Seller"), all having their principal place of business at 601 N.W. Second Street, Evansville, IN 47708 hereby absolutely sells, transfers, assigns, sets-over and conveys to Sherman Originator III LLC, a limited liability company organized under the laws of Delaware with an office at 200 Meeting Street, Suite 206, Charleston, SC 29401, ("Purchaser") without recourse and without representations or warranties, express or implied, of any type, kind or nature except as set forth in the Agreement (hereinafter defined):

(a) all of Seller's right, title and interest in and to each of the Accounts identified in the Account schedule attached hereto as Schedule A (the "Accounts"), and the data file titled "**Springleaf Dormant\_06072013.**"

(b) all principal, interest or other proceeds of any kind with respect to the Accounts, but excluding any payments or other consideration received by or on behalf of Seller on or prior to March 31, 2013, with respect to the Accounts.

This Bill of Sale is being executed and delivered pursuant to and in accordance with the terms and provisions of that certain Purchase and Sale Agreement made and entered into by and between Seller and Purchaser dated June 3, 2013, (the "Agreement"). The Accounts are defined and described in the Agreement and are being conveyed hereby subject to the terms, conditions and provisions set forth in the Agreement.

This Bill of Sale shall be governed by the laws of the State of Indiana without regard to the conflicts-of-laws rules thereof.

DATED: June 7, 2013

SELLER:

By: \_\_\_\_\_

Name: Jack R. Erkkila

Title: SVP and Deputy General Counsel

STATE OF INDIANA)

) ss.

COUNTY OF VANDERBURGH)

On this the 7 day of June, 2013, before me the undersigned officer, personally appeared Jack R. Erkkila, who acknowledged him/herself to be the SVP and Deputy General Counsel of Springleaf Financial Services of Indiana, Inc. a Delaware corporation, and he/she as such officer, being authorized so to do, acknowledged the execution of the same to be his/her free act and deed as such officer and the free act and deed of said company.

IN WITNESS WHEREOF, I hereunto set my hand.

Paul A. Mercer  
Commissioner of the Superior Court

Notary Public

My Commission Expires:  
May 10, 2015

Exhibit B

### Transfer and Assignment

Sherman Originator III LLC ("SOLLC III"), without recourse, to the extent permitted by applicable law, hereby transfers, sells, assigns, conveys, grants and delivers to PYOD LLC ("PYOD") all of its right, title and interest in and to the receivables and other assets (the "Assets") identified on Exhibit A, in the Receivable File dated March 31, 2013 delivered by Springleaf Financial Services of Indiana, Inc., Springleaf Financial Services of Wisconsin, Inc. and Springleaf Financial Services, Inc. on June 07, 2013 for purchase by SOLLC III on June 07, 2013. The transfer of the Assets included electronically stored business records.

Dated: **June 07, 2013**

Sherman Originator III LLC  
a Delaware Limited Liability Company

By: \_\_\_\_\_

Name: Jon Mazzoni

Title: Director

Dated: **June 07, 2013**

PYOD LLC  
a Delaware Limited Liability Company

By: \_\_\_\_\_

Name: Rusty Kendall

Title: Authorized Representative

**Exhibit A**

**Receivables File**

**06.07.13**

**Transfer Group**

271363

**Portfolio**

20126

**Transfer Batch**

N/A

**Resurgent Capital Services**  
**Account Ownership History**

**Account ID:** 537937894**Original Creditor:** Springleaf Financial Services -  
Montana**Customer Name:** Robert E Fullerton**Merchant:** SPRINGLEAF**SSN:** ###-##-7089**Origination Date:** 10/19/2006**Account Number:** 2552510**Charge Off Date:** 09/27/2010**Portfolio ID:** 20126**Charge Off Balance:**

Seller	Legal Seller Name	Trade Date	Purchaser	Current Owner
Springleaf Financial Services, Inc.	Springleaf Financial Services of Indiana, Inc., Springleaf Financial Services of Wisconsin, Inc. and Springleaf Financial Services, Inc.	06/07/2013	Sherman Originator III LLC	PYOD LLC

**Transfer (Txfr)**

Grp	Batch	Type	Owner	Date	Description
271363	156814	Purchase	Sherman Originator III LLC	06/07/13	Portfolio 20126 Purchase from Springleaf Financial Services of Indiana, Inc., Springleaf Financial Services of Wisconsin, Inc. and Springleaf Financial Services, Inc.
271363	156815	Transfer	PYOD LLC	06/07/13	Portfolio 20126 Ownership Transfer



Account Detail		
Acct ID: [REDACTED] 7894	Portfolio ID: 20126	Account Status: BK - Potential
Acct Number: [REDACTED] 2510		Collection Status: BCO

Account Balance	
Principal Balance: 95280.25	Cost Balance: 0.00
	Total Current Balance: 95280.25
Atty Balance: 0.00	

Collection Effort		
Last Letter Date:	Last Call Date:	Last Skip Date:

GLB
This account has not been opted out.

Additional Account Data		
Last Pmt Date: 12/16/2011	Current Owner: PYOD LLC	Last Purchase Date:
Last Pmt Amt: 2530.37	Total NSF and Rev Txns:	Last Purchase Amt:
Last NSF Amt:	Purchase Date: 6/7/2013	Net Pmt Amt:
Last NSF Date:	Out of Statute Date: 12/16/2016	Funding Date: 6/7/2013
Total Pmt Txns:	Date of first Delinq: 5/27/2010	Funding Source: Not Financed
Chg Off Date: 9/27/2010	Acct Type: Real Estate	Misc Data 1: [REDACTED] 3652
Chg Off Balance:	Original Creditor: Springleaf Financial Services, Inc.	Misc Data 2: REAL ESTATE HARD SEC / 2ND DOT 79% LTV
Orig Placement Balance: 95280.25	Original Merchant: SPRINGLEAF	Misc Data 3:
	CCA Proposed Pmt:	Misc Data 4:
Origination Date: 10/19/2006	CCA Phone:	CCA Accepted Pmt:
Seller: Springleaf Financial Services		Settlement Offer: No SIF or PIF: Do not discuss balance or payment arrangements. Refer to Resurgent Bankruptcy Fxt

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MONTANA

RE:

Robert Fullerton

Debtor(s)

Case: 10-61800

**AFFIDAVIT OF INDEBTEDNESS**

ORIGINAL CREDITOR: **American General Financial Services**  
ACCOUNT NUMBER: **AGFS 54723014 and RCS 2552510**

I, **Latoya McDowell, Legal Services Coordinator of Resurgent Capital Services LP** under the penalty of perjury under the laws of the United States of America declare (or certify, verify or state) that the following statements and information are true and correct to the best of my knowledge:

1. I am over the age of 18 and competent to provide this affidavit;
2. I am the Legal Services Coordinator for Resurgent Capital Services LP attorney in fact for **PYOD LLC**, and an authorized signatory and agent for **PYOD LLC**;
3. I am familiar and have personal knowledge of following loan account currently held and owned by **PYOD LLC**;
4. The account original owned by **American General Financial Services** regarding account number **54723014 and 2552510** has been sold and is no longer the property of **American General Financial Services**;
5. **Sherman Originator III** purchased the above referenced account on **6/7/2013**;
6. **Sherman Originator III** transferred, sold, assigned, conveyed and granted all of its right, title and interest of account number **54723014 and 2552510** to **PYOD LLC** on **06/07/2013**;
7. **PYOD LLC** is the current and rightful owner of the above referenced account and this claim has not been sold or assigned. It is still the property of **PYOD LLC**;
8. **Resurgent Capital Services LP**, as the servicer of this account, is authorized to collect on behalf of **PYOD LLC**;
9. I have checked **Resurgent Capital Services LP** internal system and have found that the above referenced account is due and owing to **Resurgent Capital Services LP** authorized agent and servicer to **PYOD LLC**;

10. Attached is a true and accurate duplicate of **Resurgent Capital Services LP** account page, printed from **Resurgent Capital Services LP** account information system. This account print out shows this specific account is presently serviced by **Resurgent Capital Services LP** and is currently owned by **PYOD LLC**;
11. The last payment received on the account was for \$2,530.37 on 12/16/2011;
12. No payments have been received by Resurgent Capital Services LP or PYOD LLC on this account since 12/16/2011;
13. An outstanding balance of **\$95,280.25** still remains on this account;
14. I am request an order releasing the total amount of **\$8,255.79**, which is the sum of all monies deposited in this case in the name of **American General Financial Services** now currently owing to **PYOD LLC**;
15. The accounts purchased are referenced on a CD-ROM disc and not on in paper form. The attached account print out is imported data from the CD-ROM referenced in the purchase agreement. Because it would be impossible to submit the CD-ROM disc as evidence it is overly burdensome and may be impossible to provide paper documentation verifying the specific account.

I pray that the court will accept this affidavit as proof that **Resurgent Capital Services LP** attorney in fact for **PYOD LLC** is the owner and/or servicer of this account and authorized to collect the unclaimed funds.

Dated 5/21/14

By: *Latoya McDowell*  
**Latoya McDowell, Legal Services Coordinator**

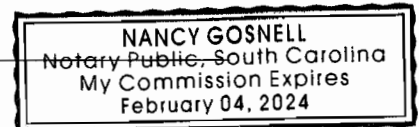
STATE OF South Carolina,

COUNTY OF Greenville

On May 27, 14 before me, personally appeared (insert name of the signer) **Latoya McDowell** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

*Nancy Gosnell*  
Notary Public

My commission expires on \_\_\_\_\_



DATE MAY 13 2014  
 CERTIFIED TO BE A TRUE AND CORRECT COPY  
 OF DOCUMENT ON FILE IN THIS OFFICE  
*Tammy L. Hammy*  
 REGISTER OF DEEDS, GREENVILLE COUNTY



July 09, 2009 12:49:31  
 Rec:\$15.00 Cnty Tax:\$0.00 State Tax:\$0.00

2009055267 P/ATTY  
 2 PGS  
 Book:DE 2359 Page:2118-2119

FILED IN GREENVILLE COUNTY, SC

### Limited Power of Attorney

WHEREAS PYOD LLC ("Grantor") has retained the services of Resurgent Capital Services LP ("Servicer") to service, liquidate and manage accounts receivable on behalf of the Grantor and hereby issues this Power of Attorney in favor of Servicer.

Now, therefore, Grantor does hereby constitute and appoint Servicer and it's officers, designated employees and servants (collectively referred to as "Resurgent") as Grantor's true and lawful Attorney-in-fact and hereby authorizes Resurgent to act in the Grantor's name, place and stead as fully and with the same effect as if Grantor were present and acting on it's own behalf for the following limited purposes:

1. Executing, acknowledging and delivering any Assignment of Mortgage, Note, Title, Judgment, Financing Statement or any other instrument necessary to transfer to and vest in Resurgent or its nominee or to protect the rights, title and interest of Resurgent in and to any account serviced by Resurgent on behalf of Grantor;
2. Conducting foreclosure or repossession actions;
3. Endorsing, as agent of Grantor, any checks or other instruments made payable to Grantor and received as payment with respect to any account;
4. Executing any document or instrument needed to release, satisfy, convey, or assign any lien, security interest or account;
5. Signing claims and notices of transfers of claims regarding any account;
6. Executing any document or instrument needed to market, sell, or transfer ownership of property owned as a result of foreclosure, receipt of quit-claim deed, surrender or other form of repossession of any collateral securing accounts serviced by Resurgent on behalf of Grantor; and
7. Executing any document or instrument and authorizing any action that is proper or necessary in asserting, protecting or realizing the Grantor's ownership rights in any account or prosecuting the Grantor's ownership duties.

Grantor further grants to Resurgent, as its attorney-in-fact, full authority to act in any manner both proper and necessary to effectuate and execute the foregoing powers, and ratifies every act that Resurgent may lawfully perform in exercising those powers by virtue thereof.

IN WITNESS THEREOF, Grantor has executed this Limited Power of Attorney on this 31 day of July, 2008.

PYOD LLC

By: *[Signature]*  
 Name: Kevin Branigan  
 Title: President

Resurgent Capital Services LP

By: *[Signature]*  
 Name: Michael A. Kerton  
 Title: Senior Vice President

BOOK 359 PAGE 2119

Witnessed by: [Signature]  
 Name: Mike Costello

Witnessed by: [Signature]  
 Name: David Clayton

STATE OF South Carolina  
 COUNTY OF Greenville

On this, the 31st day of July, 2008, the foregoing instrument was acknowledged before me, a notary public, in and for the State of SC by the parties hereto, personally known to me, by me duly sworn, did say that each was a duly authorized signatory for their respective entities.

[Signature]

Notary Public

My Commission Expires

7/30/2013



FILED FOR RECORD IN GREENVILLE COUNTY, SC ROD  
 2009055267 Book: DE 2359 Page: 2118-2119  
 July 09, 2009 12:49:31

[Signature]

Exhibit F